



US Army Corps
of Engineers
Alaska District

Public Notice of Application for Permit

Regulatory Branch (1145b)
805 Frontage Road
Suite 2005
Kenai, Alaska 99611-7755

PUBLIC NOTICE DATE:	July 15, 2005
EXPIRATION DATE:	August 1, 2005
REFERENCE NUMBER:	POA-2005-1152-1
WATERWAY NUMBER:	Beaver Creek

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Mr. Gary Foster, P.O. Box 2505, Soldotna, Alaska 99669

LOCATION: NE¼ NE¼ NE¼ Section 11, T. 5 N., R. 11 W., Seward Meridian, in Kenai, Alaska; latitude 60.5455° N., longitude 151.1482° W; Lot 1, Anglers Acres Subdivision, Part 4.

WORK: Retain two existing 4' wide by 16' long floating docks, and an existing 4' wide by 16' long walkway extending from above mean high water to the docks on Beaver Creek.

PURPOSE: To provide seasonal mooring on Beaver Creek for up to four commercial sport fish guide boats.

ADDITIONAL INFORMATION: The floating docks and walkway were originally constructed, in approximately 1985, by the previous landowner. The existing docks and walkway are constructed of 4" aluminum pipe with ¾" marine (no-skid) plywood surfaces. The floats are fully encapsulated with aluminum sheeting, riveted to pipe framework.

MITIGATION: No mitigation is proposed; this is an existing, serviceable structure.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no listed or eligible properties in the vicinity of the worksite. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: No listed or proposed threatened or endangered species are known to use the project area. The project area is not within any designated or proposed critical habitat for any threatened or endangered species. Consequently, it has preliminarily been determined that the described activity would not affect threatened or endangered species, or their critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS). We have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this

decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Ms. Robin Leighty at (907) 283-3519 if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States -
Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

District Engineer
U.S. Army, Corps of Engineers

Attachments

STATE OF ALASKA

OFFICE OF THE GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

ALASKA COASTAL ZONE MANAGEMENT
550 WEST 7TH AVENUE, SUITE 1660
ANCHORAGE, ALASKA 99501-3568

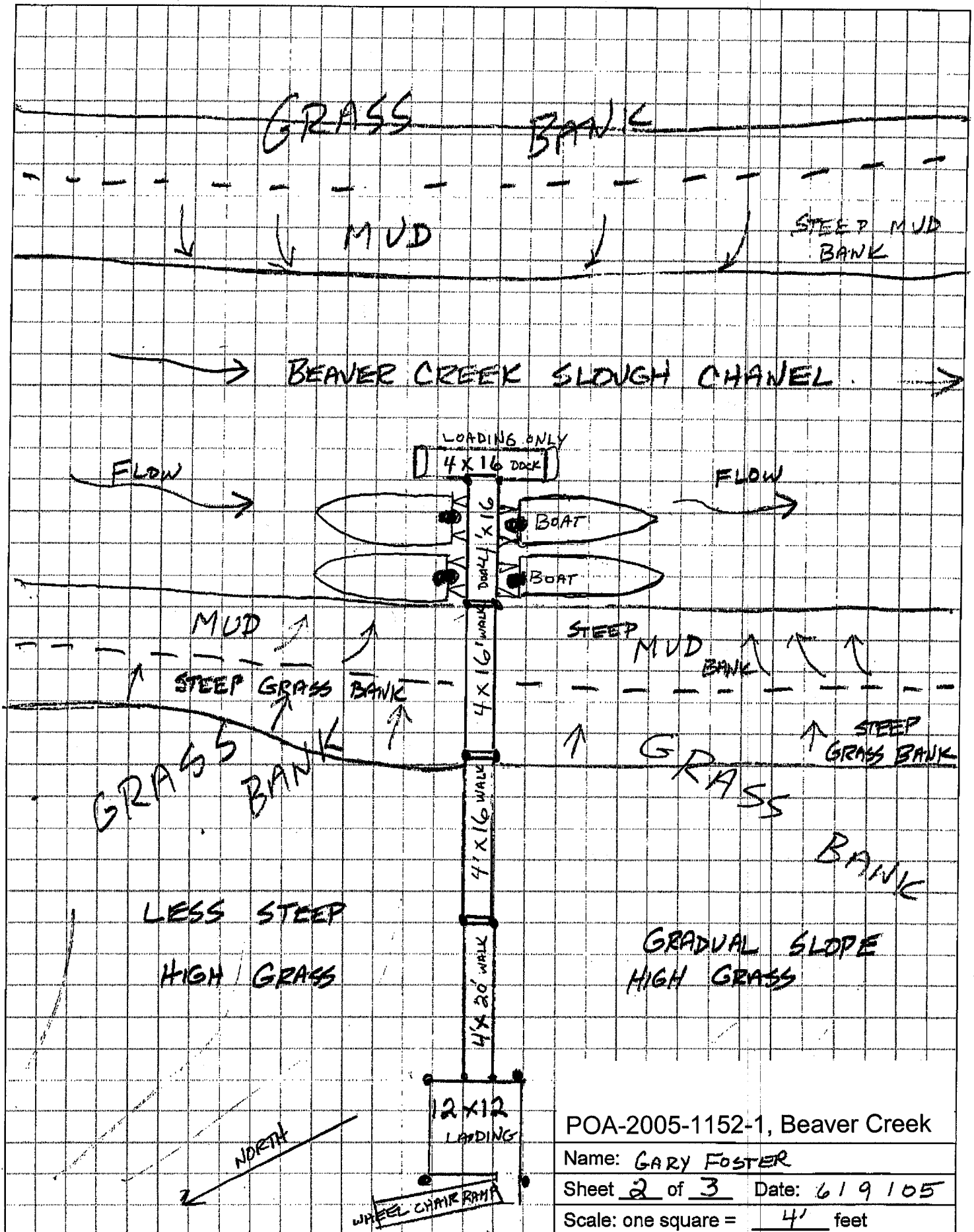
**NOTICE OF APPLICATION
FOR
CERTIFICATION OF CONSISTENCY WITH THE
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No.

POA-2005-1152-1, Beaver Creek, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

SITE PLAN: TOP VIEW



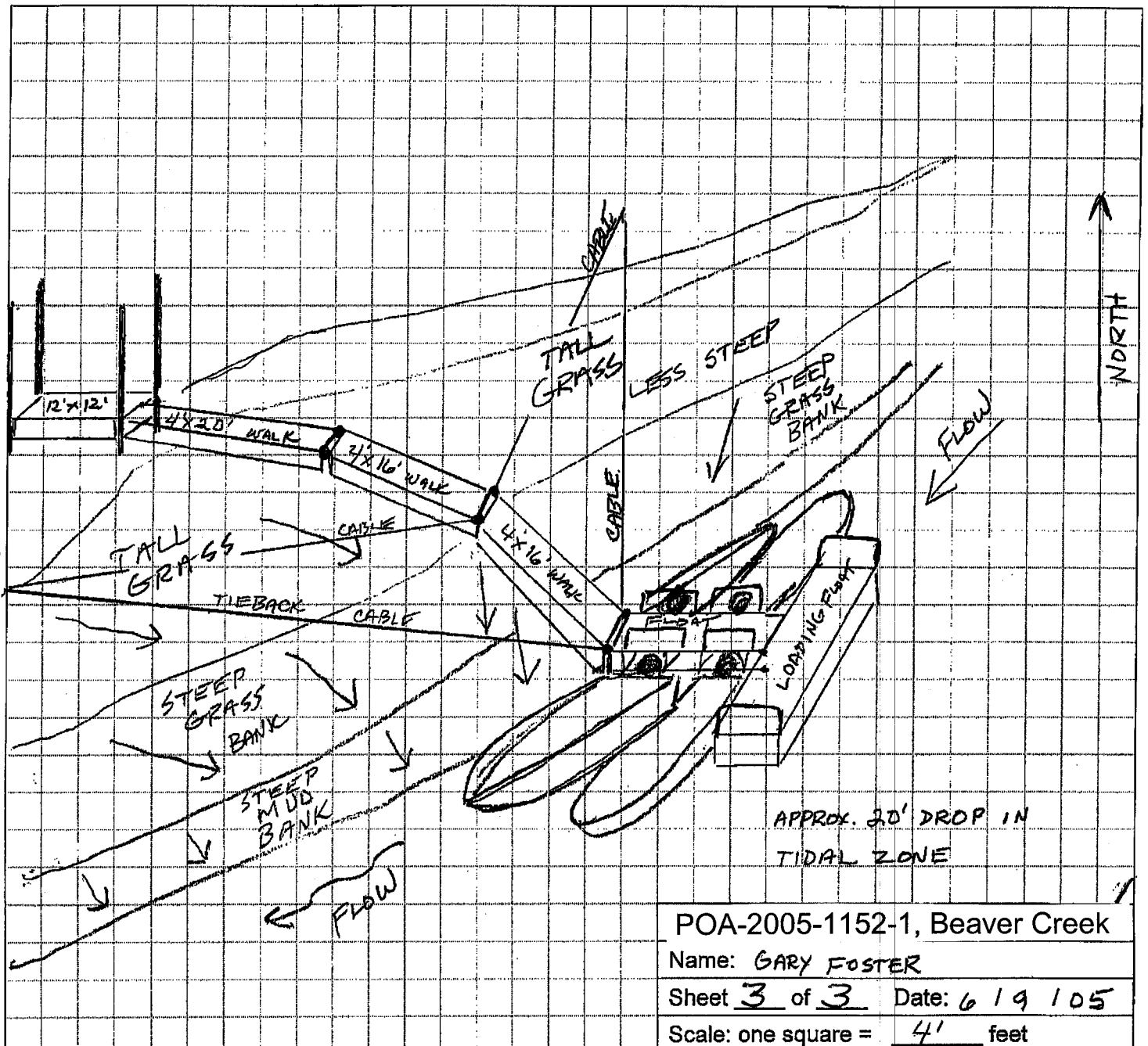
POA-2005-1152-1, Beaver Creek

Name: GARY FOSTER

Sheet 2 of 3 Date: 6/9/05

Scale: one square = 4' feet

SITE PLAN: ELEVATION OR SIDE VIEW



POA-2005-1152-1, Beaver Creek

Name: GARY FOSTER

Sheet 3 of 3 Date: 6 / 9 / 05

Scale: one square = 4' feet

Additional Comments or Descriptions:

PHOTOS ATTACHED SHOW GRASS CONDITIONS AND ARE PICTURED & DRAWN AT LOW TIDE.

RAMPS, WALKS, AND FLOATS ARE HANDICAP/WHEELCHAIR

CONSTRUCTED OF 4" ALUMINUM PIPE WITH 3/4" MARINE (NO SKID)

PLYWOOD TOPS. FLOATS ARE FULLY ENCAPSULATED WITH ALUMINUM

SHEETING, RIVETED TO PIPE FRAME WORK. (PHOTOS ATTACHED)

RAMPS ARE UPGRADED FROM ORIGINAL WOOD WHICH HAS BEEN IN USE SINCE EARLY 80'S.